

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	David A. Knaack	
Appln. No.:	10/589,226	Confirmation No. 5785
Filing Date:	January 27, 2005	Examiner: Unknown
Title:	Stabilized Bone Graft	Group Art Unit: Unknown

**Petition Under 37 C.F.R. 1.47 (a) Regarding Uncooperative Inventor and
Petition Under 37 C.F.R. 1.48(a) to Correct Inventorship**

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Petition under 37 C.F.R. 1.48(a) to correct inventorship

This is a request for correction of error in inventorship in the above-identified patent application. Specifically, inventor Keyvan Behnam has been erroneously omitted as an inventor in this patent application. It is respectfully requested that the U.S. Patent and Trademark Office correct the inventorship error of the above-identified patent application.

When the present patent application was filed, David A. Knaack, Michele Diegmann, and Albert Manrique were the only named inventors. Applicants later determined, that Keyvan Behnam was erroneously omitted as a named inventor at the time the present patent application was filed. Moreover, this error in inventorship was made without deceptive intent. Therefore, at the time the patent application was filed, the co-inventors of the subject matter claimed in the present application were David A. Knaack, Michele Diegmann, Albert Manrique, and Keyvan Behnam.

As required under 37 C.F.R. § 1.48(a), enclosed herewith is a statement from the inventor to be added, Keyvan Behnam, stating that the inventorship error occurred without any deceptive intent on his part. Also enclosed is a Declaration executed by currently named inventors Michele Diegman and Albert Manrique, and newly named inventor Keyvan Behnam.

Furthermore, as required under 37 C.F.R. § 1.48(a)(5), enclosed herewith is written consent to this correction of inventorship, executed by the representative of the Assignee,

Osteotech, Inc. A statement under 37 C.F.R. § 3.73(b) establishing the right of the assignee, Osteotech, Inc., to take action, and an executed Power of Attorney, is also enclosed herewith.

Petition under 37 C.F.R. 1.47(a) regarding uncooperative inventor

With respect to currently named inventor David A. Knaack, we have been unable to obtain a signed Substitute Declaration from him, in order to add Keyvan Behnam as an inventor. In this regard, Applicants Michele Diegmann, Albert Manrique, and Keyvan Behnam, through their attorneys, hereby petition under 37 C.F.R. § 1.47(a) to correct inventorship without the executed declaration of joint inventor David A. Knaack. David A. Knaack's refusal was after diligent efforts afforded by the undersigned attorney to execute the Declaration of the above-identified application.

The joint inventors Michele Diegmann, Albert Manrique, and Keyvan Behnam have executed a Declaration and Assignment for the application, a copy of which is enclosed herewith.

Joint inventor David A. Knaack's last known home address is 10 Beekman Terrace, Summit, New Jersey 07901.

On January 7, 2009, Kenneth E. Levitt, of Dorsey & Whitney LLP, sent a Federal Express package to David Knaack at his last known address, enclosing two documents for signature relating correcting inventorship in the above-reference application, including a Declaration of Utility Patent Application. A copy of the application was also enclosed. A copy of the letter and Declaration is enclosed as Exhibit A.

On August 17, 2009, Kenneth E. Levitt of Dorsey & Whitney sent an e-mail to David Knaack requesting the signed paperwork. On August 18, 2009, David Knaack responded that he would sign the paperwork, as soon as he found a notary. On October 27, 2009, Julie Wang of Dorsey & Whitney sent an e-mail to David Knaack reminding him that we have not yet received the signed paperwork. On October 27, 2009, David Knaack replied that he would try to find a notary. On December 14, 2009, Julie Wang sent a reminder that we have not yet received the executed paperwork. No response has been received to date. A copy of the e-mail string is enclosed as Exhibit B.

Payment of Fees

The Commissioner is authorized to charge the required fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h) to Deposit Account 04-1420. The Commissioner is also authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

Date: 1/20/10

By: 
Kenneth E. Levitt, Reg. No. 39,747
(612) 340-2755

KEL/jjw

Enclosures:

- Exhibit A (letter to D. Knaack enclosing formal documents for signature)
- Exhibit B (e-mail string between Dorsey & Whitney and D. Knaack)
- Statement under 37 CFR 1.48(a)(2), signed by Keyvan Behnam
- Declaration for Utility Patent, signed by 3 of the 4 inventors
- Statement of Consent of Assignee, signed by Osteotech, Inc.
- Power of Attorney, signed by Osteotech, Inc.
- Submission under 37 CFR 3.73(b), signed by Osteotech, Inc., and accompanying Assignment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	David Knaack	
Appln. No.:	10/589,226	Confirmation No. 5785
Filed:	December 20, 2006	Examiner: Unknown
Title:	Stabilized Bone Graft	Group Art Unit: 1615

Consent of Assignee to Correct Inventorship

Commissioner for Patents
P.O. Box 1450
Alexandra, Virginia 22313-1450

Dear Sir:

Osteotech, Inc., is the assignee, owning the full one-hundred percent (100%) interest in the above-referenced patent. Through its undersigned representative, Osteotech agrees and assents to adding Keyvan Behnam to the list of inventors for the above-referenced issued patent. After the addition of Keyvan Behnam, the list of inventors for the claimed subject matter for the above-referenced patent will be: David A. Knaack; Michele Diegmann; Albert Manrique; and Keyvan Behnam. Attached is a Statement Under 37 C.F.R. 3.73(b) establishing the right of assignee to take action.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: _____

1/20/10

By: _____

Kenneth E. Levitt, Reg. No. 39,747
(612) 340-2755

Exhibit A



KENNETH E. LEVITT
Partner
(612) 340-2755
FAX (612) 340-8856
levitt.kenneth@dorsey.com

January 7, 2009

David Knaack
10 Beekman Terrace
Summit, NJ 07901

VIA FEDEX

Re: U.S. Patent Application No. 10/589,226 of Osteotech, Inc.
Title: Stabilized Bone Graft
Our Dkt. No.: 189704/US/2 (client-matter 446368-797)

U.S. Patent Application No. 11/622,955 of Osteotech, Inc.
Title: Improved Bone Graft
Our Dkt. No. 187041/US/4 (client-matter 446368-591)

Dear Dave:

I hope all is well with you.

We need your assistance in completing the formalities to add Keyvan Behnam as an inventor for the above-referenced patent applications, for which you are also named an inventor. The following documents are enclosed for your signature:

Dkt. No. 189704/US/2 (1) Declaration, and (2) Assignment

Dkt. No. 187041/US/4 (1) Declaration, and (2) Assignment

A copy of the applications as filed is enclosed for your reference. Please note the Assignments should be signed in the presence of a Notary Public.

Please review the documents for any inaccuracies, sign and date the documents, and return them to our office in the enclosed postage-paid return envelope as soon as possible. Should you have any questions, please do not hesitate to contact us.

Yours very truly,

Kenneth E. Levitt

KEL:jjw

Enclosures: Formal documents (4 total)
Copies of applications (2 total)
Postage-paid return envelope

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	:	David Knaack	
Appln. No.	:	10/589,226	Confirmation No.: 2947
Filing Date	:	December 20, 2006	Group Art Unit: 1615
Title	:	Stabilized Bone Graft	Examiner: Unknown

DECLARATION FOR UTILITY PATENT APPLICATION
(37 C.F.R. § 1.63)

As a below named inventor, I hereby declare that my mailing address and citizenship are as stated below.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

STABILIZED BONE GRAFT

the specification of which:

☐ is attached hereto OR

☒ was filed on December 20, 2006 as United States Application Number 10/589,226.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed			Certified Copy Attached?	
			Yes	No		Yes	No
PCT/US2005/003092	PCT	01/27/2005	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/539,555	01/27/2004

PLEASE DIRECT ALL CORRESPONDENCE TO:

The address associated with **Customer Number: 25763**, currently:

Name	Kenneth E. Levitt	
Address	DORSEY & WHITNEY LLP Intellectual Property Department Suite 1500 50 South Sixth Street Minneapolis, MN 55402-1498	CUSTOMER NUMBER 25763
Telephone	612-340-2755	
Fax	612-340-8856	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sole or First Inventor:			
Given Name (First and middle)			Family Name or Surname
David			Knaack
Inventor's Signature			Date:
Residence	Summit New Jersey 07901	Citizenship: US	
	City State Zip		
Post Office Address	10 Beekman Terrace, Summit, New Jersey 07901		

Second Inventor:			
Given Name (First and middle)			Family Name or Surname
Michele			Diegmann
Inventor's Signature			Date:
Residence	Scotch Plains New Jersey 07076	Citizenship: US	
	City State Zip		
Post Office Address	18 Donsen Lane, Scotch Plains, New Jersey 07076		

Third Inventor:			
Given Name (First and middle)		Family Name or Surname	
Albert		Manrique	
Inventor's Signature			Date:
Residence	Manalapan New Jersey 07726	Citizenship: US	
	City State Zip		
Post Office Address	8 Winthrop Drive, Manalapan, New Jersey 07726		

Fourth Inventor:			
Given Name (First and middle)		Family Name or Surname	
Keyvan		Benham	
Inventor's Signature			Date:
Residence	Red Bank New Jersey 07701	Citizenship: IR	
	City State Zip		
Post Office Address	66 Riverside Avenue #3, Red Bank, New Jersey 07701		

Exhibit B

Wang, Julie

From: Wang, Julie
Sent: Monday, December 14, 2009 2:57 PM
To: 'knaack@aol.com'
Cc: Levitt, Kenneth
Subject: RE: Osteotech patent applications

Hi Dr. Knaack:

Have you had any luck finding a notary? We are still waiting for the executed formal documents for this application. Please advise.

Thank you and best regards,

Julie Wang, Paralegal
Dorsey & Whitney LLP

From: David Knaack [mailto:knaack@aol.com]
Sent: Tuesday, October 27, 2009 12:49 PM
To: Wang, Julie
Subject: Re: Osteotech patent applications

Sorry I don't have easy access to a notary will try to find one.

From: <wang.julie@dorsey.com>
Date: Tue, 27 Oct 2009 10:26:09 -0500
To: <knaack@aol.com>
Cc: <Levitt.Kenneth@dorsey.com>
Subject: FW: Osteotech patent applications

Dear Dr. Knaack:

This is just a reminder that we have not yet received the executed formal documents for U.S. Application No. 10/589,226 (our ref. 189704/US/2). Please advise if you would like us to re-send the documents to you. Please do not hesitate to contact us if you have any questions.

Thank you and best regards,

Julie J. Wang
Paralegal

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DORSEY & WHITNEY LLP
Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
P: 612.492.6153 **F:** 612.340.8856
www.dorsey.com
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CONFIDENTIAL COMMUNICATION

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12/14/2009

From: Levitt, Kenneth
Sent: Tuesday, August 18, 2009 7:46 AM
To: Wang, Julie
Subject: Fw: Osteotech patent applications

From: David Knaack
To: Levitt, Kenneth
Sent: Tue Aug 18 05:58:04 2009
Subject: Re: Osteotech patent applications

Will do-as soon as I find a rotary.

From:
Date: Mon, 17 Aug 2009 12:57:07 -0500
To: <knaack@aol.com>
Subject: Osteotech patent applications

Hi Dave,

I wanted to circle back to you regarding our conversation about adding Keyvan Behnam as an inventor on 11/622/955 (187041/US/4) and 10/589,226 (189704/US/2).

As you and I discussed, if you could execute the paperwork to add Keyvan as an inventor on 10/589,226, that would be appreciated. There is no need to sign the paperwork for 11/622/955, as we will not be adding Keyvan as an inventor on that case.

Thank you for your help and cooperation.

Ken

Kenneth E. Levitt
Partner

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DORSEY & WHITNEY LLP
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Minneapolis, MN 55402-1498
P: 612.340.2755 F: 612.340.8856 C: 612.964.4803
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CONFIDENTIAL COMMUNICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

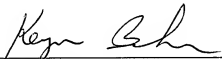
First Named Inventor:	David Knaack	Confirmation No.:	2947
Appl. No.:	10/589,226	Group Art Unit:	1615
Filing Date:	December 20, 2006	Examiner:	Unknown
Title:	Stabilized Bone Graft		

STATEMENT UNDER 37 C.F.R. § 1.48(a)(2)

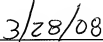
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Keyvan Behnam, am an inventor of the subject matter disclosed and claimed in the above-identified patent. The inventorship set forth in the originally executed declaration for this application was in error by the omission of my name as an inventor. The error arose without any deceptive intent on my part.



Keyvan Behnam



Date